



सत्यमेव जयते

# **TRIPURA PUBLIC SERVICE COMMISSION**

## **(EXEMPTION FROM CONSULTATION) REGULATIONS, 1973**

**Tripura Public Service Commission**  
**Akhaura Road, Agartala**  
**Pin- 799001**

<http://www.tpsc.govt.in>

**GOVERNMENT OF TRIPURA  
APPOINTMENT & SERVICES DEPARTMENT.**

**Dated, Agartala, the 6<sup>th</sup> July, 1973.**

**NOTIFICATION.**

In exercise of the powers conferred by the proviso to clause (3) of article 320 of the Constitution the Governor is pleased to make the following Regulations, namely :-

1. These regulations may be called the Tripura Public Service Commission (Exemption from Consultation) Regulations, 1973.
2. In these regulations unless the context otherwise requires-
  - (a) “Constitution” means the Constitution of India;
  - (b) “Commission” means the Tripura Public Service Commission; serving the needs of State of Tripura under clause (4) of article 315 of the Constitution.
  - (c) “Service” or “Post” means civil service of post in connection with the affairs of the State of Tripura .
3. It shall not be necessary to consult the Commission in regard to any of the matters mentioned in sub- clause (a) and (b) of clause (3) of article 320, of the Constitution in the case of services and posts specified in the schedule to these Regulations.
4. Save as otherwise expressly provided in the rules Governing the recruitment to civil service or civil post concerned , it shall not be necessary to consult the Commission in regard to the selection for appointment :-

(a) to a post included in All India Service of any officer who is already a member of an All India Service ;

(b) to a State Service , Class-II or to a post included in a State Service Class-II of any officer who is already a member of a State service Class-II or a State Service, Class-III; provided that if the method of recruitment to a State Service or to a post included in a State Service include direct recruitment through the Commission as one of the

methods, promotion to such service or post shall be made in consultation with the Commission

- (c) To a tenure post included in a State Service ,Class-I or a State Service , Class –II of an officer of a State Service.

**Note : In these Regulations:-**

- (i) the term “Officer” includes a person holding a permanent or quasi-permanent appointment, but does not include a person in temporary employment;
- (ii) the term “Tenure Post” means a post , whether permanent or temporary which has been classified as tenure post in Consultation with the Commission.

**5. (1)** It shall not be necessary to consult the Commission in regard to the selection for a temporary or officiating appointment to a post , if:-

- (a) a person appointed is not likely to hold the post for a period of more than one year; and
- (b) it is necessary in the public interest to make the appointment immediately and reference to the Commission will cause undue delay;

**Provided that-**

- (i) Such appointment shall be reported to the commission as soon as it is made;
- (ii) if the appointment continues beyond a period of six months, a fresh estimate as to the period for which the person appointed is likely to hold the post shall be made and reported to the Commission; and
- (iii) if such estimate indicates that the person appointed is likely to hold the post for a period of more than one year from the date of appointment the Commission shall immediately be consulted in regard to the filling of the post.

5. (2) It shall not be necessary to consult the Commission in regard to the selection for a temporary or officiating appointment to a post where the post of .... is expressly created in connection with any emergency and the person to be appointed to such post is not likely hold the same longer than the period of emergency or three years and nine months, which ever is less; provided that is certified by the State Govt. that the post has to be filled up immediately; Provided further that such appointment shall be reported to the Commission as soon as may be after it is made.

Explanation- In this sub-regulations, “Emergency” means the emergency with respect to which a proclamation is issued under clause(i) of article 352 of the Constitution.

6. It shall not be necessary to consult the Commission in regard to the making of any order in any disciplinary case other than-

(a) an original order by the Governor imposing any of the following penalties:-

- i. Censure;
- ii. With holding the increments or promotion;
- iii. Recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or break of order.
- iv. Reduction to a lower service, grade or post ,or to a lower time scale , or to a lower stage in a time scale.
- v. Compulsory retirement;
- vi. Removal from service;
- vii. Dismissal from service;

(b) an order by the Governor on an appeal against an order imposing any of the said penalties made by a subordinate authority;

(c) an order by the Governor over ruling or modifying, after consideration of any position or memorial or otherwise, an order imposing any of the said penalties made by the Governor or by a subordinate authority;

- (d) an order by the Governor imposing any of the said penalties in exercises of his powers of review and in modification of an order under which none of the said penalties has been imposed.
  - (e) It shall not be necessary to consult the Commission in regard to any disciplinary matter affecting a person belonging to a Defense Services (civilian) if any.
  - (f) It shall be not be necessary to consult the Commission in regard to any order made under the Central Civil Service (Safeguarding of National Security) Rules, 1953.
7. It shall not be necessary to consult the commission in regard to any of the matter mentioned in sub- clause (e) of clause (3) of article 320 of the Constitution in the case of a person belonging to a State Service, class-III, or a State Service , Class-IV, in so far as claims arising out of issued by the Resident under clause (f) of article 352 remain in operation are concerned.

### **SCHEDULED**

**(See Regulation)**

1. Posts in respect of which the authority to appoint is specifically conferred on the Governor by the Constitution.
2. Posts of Chairman or Members of any Board, Tribunal, Commission, Committee or other similar authority created by or under the Provisions of statute.
3. Posts of Chairman or Members of any Boards, Tribunal, Commission Committee or other similar body appointed by or under the authority of a resolution of either House of Assembly or by a resolution of Government for the purposes of conducting any investigation or enquiry into or for advising Government on specified matters.
4. Posts on the personal staff attached to holders of posts mentioned in items(1) to (3) above.
5. Posts in the Secretariat of the Legislative Assembly, Tripura.
6. All State Class IV services and posts including work changed staff.

7. All Class III posts in the Secretariat/ Departments and allied offices except the post of Superintendent/ Head Assistant of Office ,Assistant Survey Officer, Kanungo of Settlement Organization, Chief Inspector/ Inspector, Food & Civil Supplies, Election Inspector Revenue Inspector/Co-operative Inspector ,Extension Officers including Progress. Assistant and Social Education Organizer ,Sub-Inspector of police , Overseer, Sectional Officer/Draftsman of Public Works Department, Overseer of other Organisation, Senior Research Asstt /Field Manurial Officer/Jute Development Officer/ Assistant Harticultural Officer/Farm Development Officer/Seed Multiplication Officer/ Assistant Plant Protection Officer/Instructor, G.T.O/ Assistant Teacher G.T.C./ Agricultural Officer/Land Utilisation and Development Officer/ Spices Development Officer/ Supervisor, Gr-I of Wireless Organisation, Forest Ranger(Trained),Assistant Teacher of High/Higher Secondary Schools/ Assistant Inspector of Schools of Education Department, Labour Inspector/ Inspector of Employment Exchange, Sub-Jailor/ Deputy Jailor, Assistant Vety, Surgeon, Statistical Assistant and any other post of different Departments/ Offices which are feeder posts for appointment to Class-II gazetted posts.
8. Any post which is not a whole time post.
9. District Judge and Addl. District Judge.
10. The post of Advocate General and Government Advocate/Part-time /honorary posts of Medical Officer/ Specialist Medical Officer.
11. Posts in the Governor Secretariat and personal staff of the Governor.
12. Any Service or posts or Class of post in respect of which the Commission has agreed that it shall not be necessary for it to be consulted .

By order of the Governor  
(C.R. Paul)

**INSTRUCTION REGARDING DIRECT RECRUITMENT THROUGH THE PUBLIC SERVICE COMMISSION ISSUED BY THE GOVERNOR , SUBJECT TO THE PROVISIONS OF REGULATIONS MADE UNDER ARTICLE 320 (3) OF THE CONSTITUTION.**

**PART-I**  
**GENERAL**

1. (a) The appointing authority will inform the Public Service Commission of the number of vacancies reserved for Scheduled Castes or Scheduled Tribe, Backward Classes and other special categories of persons, if any.  
  
(b) In the case of services in which permanent vacancies occur throughout the year , the number of vacancies to be reported to the Commission should be the number likely to occur during the recruit year, and no vacancy which occurs after the end of that year, shall be filled without a further reference to the Commission.
2. Whenever recruitment to a post which requires technical or specialist knowledge or for which no service rules exist is to be made, the appointing authority shall furnish all the particulars mentioned in the Requisition form appended hereto together with a detailed note fully stating the duties which the incumbent of the post is required to perform.
3. In making recruitment to technical or specialist posts the Commission shall invite the appointing authority to depute a technical expert to assist them. In case of recruitment to other posts it shall be open:-
  - a) to the Commission to ask for the deputation of an advice:
  - b) to an appointing authority , if it feels the need for it, to intimate to the Commission that an adviser should be appointed to assist the Commission and the reasons for

doing so. In (a) above, the appointing authority shall nominate a suitable adviser, and in (b) above, an adviser may be appointed only if the Commission agree to its need.

4. In any case where the Commission have any objection to the particular adviser or expert deputed by an appointing authority it shall be open to the commission to intimate confidentially and demy-officially to the chief Secretary their objection to the particular person proposed to the deputed.
5. In any case where they consider it necessary, it shall be open to the Commission to nominate a technical adviser in addition to the one nominate Government.
6. (i) Where an officer was recruited through the Commission for appointment to a post which had been advertised as being permanent or likely to become permanent, he may be confirmed therein, if considered suitable for such confirmation, without any further reference to the Commission.

(ii) When recruitment through the Commission was initially made for a post which had been advertised as being purely temporary or as likely to last for specified period and later, on the post becoming permanent it is proposed to confirm therein the person selected, a reference shall invariable be made to the Commission to obtain their advice in each such case, when the Commission will consider whether fresh advertisement should be undertaken, after taking into account the following factors:-

- a. The qualifications required for the post and the number of suitable men available when the post was filled on a temporary basis and
- b. Whether in addition to the post being made permanent there are any changes in pay or conditions of service which might be expected to attract more suitable candidates.

**NOTE:-** The person engaged on contract through the Commission shall be treated likely temporary government servants, if engaged for a definite or specified period, and like persons recruited to posts which are advertised as being likely to become permanent, if engaged for indefinite period.



## **PART-II**

### **RECRUITMENT BY OPEN COMPETITION**

7. In the case of recruitment by competitive examination the Commission will send to the appointment authority a complete list of the marks obtained by each of the candidates, and :-

(a) if the appointing authority is the Governor, the Secretary in the Department concerned shall submit without comment for the order of Governor the names of

or

(b) If the appointing authority is not Governor, that authority shall appoint:-

The candidates who obtain the highest marks up to the number of vacancies to be filled,

or

Where recruitment is to be made from candidates belonging to Scheduled Castes, Scheduled Tribes (and) Backward classes and other special categories of persons, if any the candidates of each category who obtained the highest marks upto the number of vacancies to be filled from that category; provided that the Commission certifies that these candidates are fit for appointment.

## **PART-III**

### **RECRUITMENT BY SELECTION OTHERWISE THAN BY OPEN COMPETITION**

8. In order to provide for possible casualties and unexpected vacancies the number of candidates which the Commission should be asked to recommend in case of selection otherwise than by open competition should usually except the number of vacancies in accordance with the following scale:-

- (a) Where the number of vacancies , or the number of vacancies to be allotted to Scheduled Castes or Scheduled Tribes and other special categories of persons, if any, does not exceed four, approximately two candidates for each vacancy.
  - (b) Where the number of vacancies , or the number of vacancies to be allotted to Scheduled Castes or Scheduled Tribes and other special categories of persons, if any, exceeds four, a number up to say 50 percent, in excess of the number of such vacancies.
9. The Commission shall arrange the candidates recommended by them in order of merit, and
- (a) if the appointing authority is Governor, the Secretary in the Department concerned shall submit without comment for the orders of Governor the names of, or ?
  - (b) if the appointing authority is not Governor, the authority shall, save as provided in instruction 10, appoint
  - ( c ) the candidates who stand highest in the order of merit in which they have been arranged by the Commission upto the number of vacancies to be filled or where recruitment is to be made from Scheduled Castes or Scheduled Tribes and other special categories of persons, if any , the candidates of such categories of persons who stand highest in the order of merit upto the number of vacancies to be filled from such categories of Persons.
10. Where an appointing authority other than the Governor propose to make an appointment otherwise than in accordance with the Commission recommendations, it shall obtain the views of the Commission on the appointment which it propose to make and shall make no appointment contrary to the final recommendations of the Commission without the approval of the Cabinet.
11. If Government propose to make an appointment otherwise than in accordance with the Commission's recommendations, they will refer the case back to the Commission for

reconsiderations, stating their reasons and placing their own proposals before the Commission for acceptance. If the Commission still feel unable to agree with the Government's view. Government will re-examine the matter in the light of the Commission's comments , reserving the right to arrive at their own decision. The Commission will in all such cases be informed of whatever decision is taken by Government and the reasons therefore to the extent necessary.

12. In recruitment to special posts of a technical nature for which educational qualifications have not been prescribed in the service rules, the appointing authority should merely give the Commission general indication of the qualifications required and should explain the nature of the post and other relevant points but should leave it to the Commission to decide what educational qualifications are most likely to secure the services of the officers most suitable for the particular post.

#### **PART –IV**

#### **ANOUNCEMENT OF DIRECT APPOINTMENT MADE AFTER CONSULTATION WITH THE COMMISSION.**

13. Name of the candidates selected for appointment shall be notified by the appointing authority in the Gazette, in respect of Gazetted post.
14. A candidate on payment of a fee of Rs.15/- shall be supplied on his application to the Secretary, Public Service Commission with a copy of the detailed marks sheet obtained by him or any other candidate.

By order of the Governor

Sd/-

C.R. Paul

Deputy Secretary to the Government of Tripura

**No.F.36 (8)-GA/77**  
**APPOINTMENT & SERVICES DEPARTMENT**  
**GOVERNMENT OF TRIPURA**

**Dated, Agartala, the 2<sup>nd</sup>, July, 1980**

**MEMORANDUM**

**Subject:- Tripura Public Service Commission (Exemption from Consultation)  
(Amendment) Regulations, 1980.**

The undersigned is directed to send herewith a copy of Appointment & Services Department Notification No.F.36(8)-GA/79 dated the 1<sup>st</sup> July, 1980 regarding Tripura Public Service Commission (Exemption from consultation) (Amendment) Regulations, 1980 for publication in next issue of the Tripura Gazette.

This may be treated as Priority

Sd/-

( H. M. CHOUDHURY)  
Under Secretary to the Govt. of Tripura

To  
The Superintendent of Printing & Stationery,  
Government of Tripura,  
AGARTALA.

Copy to :-

1. The Secretary to the Governor, Tripura, Agartala,
2. The Secretary to the Chief Minister, Tripura Agartala,
3. The Offices of all Ministers, Tripura, Agartala,
4. The Chief Secretary, Tripura Agartala,
5. The Accountant General, Tripura, Agartala.
6. The Secretary, Tripura Public Service Commission, Agartala. This has a reference to their letter No.F.40 (9)-TPSC/79, dated 21.06.1980.
7. The All Departments/Heads of Departments, Tripura.

Sd/-

( H. M. CHOUDHURY)  
Under Secretary to the Govt. of Tripura

**GOVERNMENT OF TRIPURA**  
**APPOINTMENT AND SERVICES DEPARTMENT**

NO. F. 36(8)-GA/79

Dated, Agartala, the 1<sup>st</sup> July, 1980.

In exercise of the powers conferred by the proviso to clause (3) of Article 320 of the Constitution, the Governor, with the concurrence of the Tripura Public Service Commission, makes the following regulation to amend the Tripura Public Service Commission (Exemption from Consultation) Regulations, 1973

Short title and commencement

1. (i) These Rules may be called the Tripura Public service Commission (Exemption from Consultation) (Amendment) Regulations, 1980
- (ii) They shall come into force with immediate effect

Amendment of Rule – 14.

2. For rule 14 of Part IV of the Tripura Public Service Commission (Exemption from Consultation) Regulations, 1973, the following shall be substituted namely :-

“14. At the discretion of the Commission, a candidate may be supplied on his application to the Secretary Public Service Commission with a copy of the detailed marks- sheet obtained by him”

By order of the Governor

Sd/- S. R.SHANKARAN

Chief Secretary to the Government of Tripura

**IMMEDIATE**

**No. F. 1 (6) - GA/72**  
**GOVERNMENT OF TRIPURA**  
**APPOINTMENT & SERVICES DEPARTMENT**

Dated, Agartala, the 21<sup>st</sup> September, 1973

**MEMORANDUM**

Subject :- Procedure regarding consultation with the Tripura Public Service Commission as per Provisions of the Tripura Public Service Commission (Exemption from consultation) Regulations, 1973.

1. The undersigned is directed to say that as a result of coming into force of the Tripura Public Service Commission (Exemption from consultation) Regulations, 1973, some confusion has arisen among some Departments as to the procedure of consulting the Commission as per Provision of the aforesaid Regulations.
2. It is, therefore, clarified that according to rule 5 of the aforesaid Regulations it is not necessary to consult the Commission in regard to the selection for a temporary or officiating appointment to any posts which are within the purview of the Public Service Commission, if-
  - (a) a person appointed is not likely to hold the post for a period of more than one year ; and
  - (b) it is necessary in the Public interest make the appointment immediately and reference to the Commission will cause undue delay;

**Provided that-**

- ( i) such appointment shall be reported to the Commission as soon as it is made;
- (ii ) if the appointment continues beyond a period of 6 months, a fresh estimate is to the period for which the person appointed is likely to hold the post shall be made and reported to the Commission; and

( iii) if such estimate indicates that the person appointed is likely to hold the post for a period of more than one year from the date of appointment the Commission shall immediately be consulted in regard to the filling up of the post.

3. If any appointments are required to be made due to exigencies of service under rule 5 of the aforesaid Regulations, these appointments should be made on ad- hoc basis firstly for a period of six months which may be extended upto one year subject to observance of the Provision of rule 5 mentioned above
4. Another question has arisen as to how and when the Commission should be consulted in respect of filling up of the posts which are within the purview of the Commission according to the aforesaid Regulations. In this connection it may be mentioned that Recruitment Rules in respect of large number of posts under various Departments have already been finalized and where Provision has been made for filling up the concerned posts by Promotion/ transfer the correct procedure would be to select suitable persons from the Promotion quota to fill up the posts concerned on promotion basis through a duly constituted Departmental Promotion Committee / and before issue of any orders the minutes of the meeting of the Departmental Promotion Committee along with connected records will have to be sent to the Public Service Commission for their concurrence and on receipt of their concurrence necessary formal orders regarding the appointments of the persons concerned against promotion quota should be issued. But in case of Direct Recruitment to any posts which are within the purview of the Commission, no such direct recruitment can be made by any appointing authority if the appointment is likely to continue for more than one year. In case of direct recruitment requisition for necessary recruitment should be sent to the Commission well in advance so that the Public Service Commission may take necessary steps for recommending suitable candidates for direct recruitment after observing all formalities. Direct recruitment to the posts which are not under the purview of the Commission may , however, be made as per prescribed procedure by the respective appointing authorities without consulting the Public Service Commission.
5. It is, therefore, requested that the Provisions of the aforesaid Regulations and also the above instructions for recruitment to various posts which are within the purview of the Public

Service Commission; may kindly be followed strictly and in case of doubt necessary further clarifications may kindly be obtained either from this Department or from the public Service Commission.

**To:-**

**All Secretaries/ Departments/**

**Heads of Departments/ Offices.**

Sd/-

(C. R. Paul )

Deputy Secretary to the  
Government of Tripura.

Copy forwarded for information to:-

1. The Deputy Secretary, Tripura Public Service Commission, Agartala.
2. P. As to the Chief Minister/ Ministers/ Deputy Ministers.
3. P. A to Chief Secretary, Government of Tripura.

Upto 15.06.2010.